

SCHOOL BOARD BYLAWS**Qualifications**

Qualifications for appointment and/or election to, and continuing service on, the Stafford County School Board are as prescribed by the Code of Virginia.

Legal Reference: The inclusion of Va. Code Sections §24.2-223, §24.2-226, §24.2-227, and §24.2-506 reflect the transition from an appointive to an elective school board.

Code of Va., §22.1-29. Qualifications of members.—"Each person appointed to a school board shall, at the time of his appointment, be a qualified voter and a bona fide resident of the district from which he is selected if appointment is by district or of the school division if appointment is at large; and if he shall cease to be a resident of such district or school division, his position on the school board shall be deemed vacant." (1980)

Code of Va., §24.2-223 (1993) Election and term of school board members.—In any county, city or town wherein members of the school board are elected, pursuant to Article 7 (§22.1-57.1 et seq.) of Chapter 5 of Title 22.1, elections shall be held to coincide with the election of members of the governing body at the regular general election in November in a county or the regular general election in May in a city or town. Elected school board member shall serve terms which are the same as those of the governing body, to commence on January 1 following their election in a county or July 1 following their election in a city or town. In no event shall any election of school board members take place prior to 1994. (1993, c. 641.)

Code of Va., §24.2-226 (1993). Election to fill vacancy.—"A. A vacancy in any elected constitutional or local office, whether occurring when for any reason an officer-elect does not take office or occurring after an officer begins his term, shall be filled by special election except as provided for certain towns by §24.2-228 or unless provided otherwise by statute or charter. The governing body of the county, city, or town in which the vacancy occurs shall, with fifteen days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy as set forth in Article 5

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(§24.2-681 et seq.) of Chapter 6. either upon receipt of the petition or on its own motion, the court shall issue the writ ordering the election for the next ensuing general election to be held in November in the case of county officers and city constitutional officers or in May in the case of other city and town officers. If the vacancy occurs within 120 days prior to that election, however, the writ shall order the election to be held at the second ensuing such general election. The person so elected shall hold the office for the remaining portion of the regular term of the office for which the vacancy is being filled.

B. Notwithstanding any provision of law or charter to the contrary, no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled

C. Notwithstanding any provision of law or charter to the contrary, when an interim appointment to a vacancy in any governing body has been made by the remaining members thereof, no election to fill the vacancy shall be ordered or held if the general election at which it is to be called is scheduled in the year in which the term expires. (Code 1950, 24-145, 24-147.1; 1958, c. 621; 1970, c. 462, 24.1-76, 24.1-79; 1975, c. 515; 1976, c. 616; 1977, c. 490; 1984, c. 480; 1993, c. 641.)"

Code of Va., §24.2-227 (1993). Interim appointment by court until vacancy filled by election for certain offices.—"When a vacancy occurs in an constitutional or local elected office other than a local governing body, a majority of the judges of the judicial circuit for the county or city in which it occurs shall make an interim appointment to the office until the vacancy can be filled by special election. The senior judge shall make the appointment if a majority of the judges cannot agree. The chief or senior deputy, if there is one in the office, shall perform all the duties of the office until the person appointed to fill the vacancy has qualified. The person so appointed shall hold office until the qualified voters fill the vacancy by election and the person so elected has qualified. (Code 1950, 24-145; 1958, c. 621; 1970, c. 462, 24.1-76; 1975, c. 515; 1976, c. 616; 1977, c. 490; 1984, c. 480; 1993, c. 641.)"

Code of Va., §24.2-506 (1993). Petition of qualified voters required; number of signatures required; certain towns excepted.—"The name of any candidate for any office, other than

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a party nominee, shall not be printed upon any official ballots provided for the election unless he shall file along with his declaration of candidacy a petition therefore, on a form prescribed by the State Board, signed by the number of qualified voters specified below after January 1 of the year in which the election is held and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is himself a qualified voter for the office for which he is circulating the petition and, in the case of a statewide office, is a resident of the same or a contiguous congressional district as the voter whose signature is witnessed, and whose affidavit to that effect appears on each page of the petition.

Each voter signing the petition shall provide on the petition his social security number, if any; however noncompliance with this requirement shall not be cause to invalidate the voter's signature on the petition.

The minimum number of signatures of qualified voters required for candidate petitions shall be as follows:..."

Adopted by School Board: March 24, 1987
Amended by School Board: October 24, 1995